

CONSENT AGENDA

Entered - 05/19/00 - sb
CL00L0287 - DIANNE C. MITCHELL

00- R-1713

CLAIM OF: **WILLIAM APPEGARTH**
3085 West Andrews Drive, NW
Atlanta, Georgia 30308

For damages alleged to have been sustained as a result of a series of sewer back ups between March 6, 2000 and March 21, 2000 at 3085 West Andrews Drive, NW.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **WILLIAM APPEGARTH** the sum of **\$1,688.33** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a series of sewer back ups between March 6, 2000 and March 21, 2000 at 3085 West Andrews Drive, NW as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

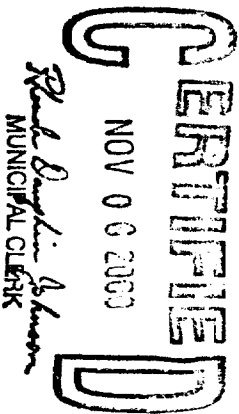
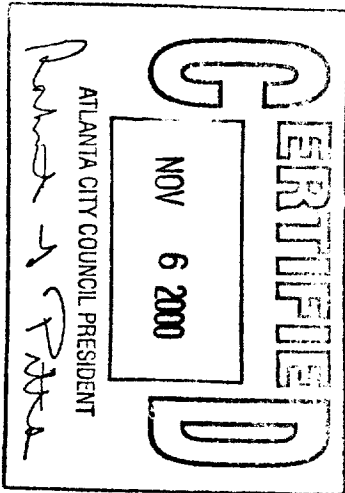
BY Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

APPROVED

NOV 15 2000

WITHOUT SIGNATURE
BY OPERATION OF LAW

ADOPTED BY
NOV 06 2000
COUNCIL



ABLE REPORT

Public Safety

10/31/00

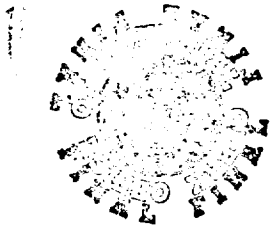
V-C Clea Hensler

Gay Shih

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**MUNICIPAL CLERK
ATLANTA, GEORGIA**

00-R-1713

A RESOLUTION

**BY PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **William Applegarth** in the sum of **\$1,688.33** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of **a series of sewer back ups between March 6, 2000 and March 21, 2000 at 3085 West Andrews Drive, NW** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

**ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403**

NOV 06, 2000

NOV 15, 2000

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0287

Date: October 9, 2000

Claimant /Victim WILLIAM F. APPLGARTH

BY: (Atty) _____

Address: 3085 West Andrews Drive, NW, Atlanta, Georgia 30308

Subrogation: _____ Claim for Property damage \$ 1,688.33 Bodily Injury \$ _____

Date of Notice: 05/10/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 03/06 - 03/21/00 Place: 3085 West Andrews Drive, NW

Department Public Works Division: Sewer Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant's property was damage due to a series of five sewer back ups. The City was on notice of a problem with the sewer after the first occurrence and failed to correct the problem with the sewer line in a timely manner.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 1,688.33 Adverse _____ Account charged: 1A01 _____ 2J01 X 2H01 _____

Claims Manager:  Concur/date 100900

Committee Action: _____ Council Action _____

* No bodily injury claimed but ~~since~~ ever since sewer backed up my wife has had arterial fibrillation with hundreds of a hour of medical expense. I suspect but cannot prove a connection.

1. Woodland Constr. Co. - replace door 852²⁹
 2. Jo'lo Plumbing Co. - backwater valve 200⁰⁰
 3. Service master carpet clean 168⁰⁰
 4. Braimhills - sump pump 72^{93.60} 78⁰⁴
 5. Frank Gabriel Plumbing sewer repair 390⁰⁰
- 4/6/00 0 1,688³³

We have photos of these damages. M. F. Applegarth
05/11/00
MAY 10

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

05-10-00 04:52 PM

RE: CLAIM FOR DAMAGES
ENTERED - 5-19-00 - SB
00LO287 - DIANNE MITCHELL
Today's Date: May 9, 2000

Note: 3 times in last 5 days sewage has again backed up into our downstairs tub (no rain). We hope this is because the sewer dept. is by pass pumping in the neighborhood.

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1,688³³ property and/or \$* bodily injury for which I contend the City is liable.

1. Date of incident: March 6, 19 + 21, 2000 2. Time of Incident: starting 10:00 (Sewer dept called 404-624-0753 for continuing for hours) 3. Police called: Yes ☒ No ☐

4. Location of incident (including street address): 3085 W. Andrews Dr NW (at Austell Way) Atlanta

5. Name of your insurance company: USAA (does not cover city sewer failure) Agency No. 00269 80 79 70C

6. State what and how incident occurred: with no rain fall involved the sewer backed up three times in succession into and overflowing our downstairs (not basement) bath tub + toilet. This warped 4 doors, fouled carpet tile (which we cleaned but should have replaced) and required addition of sump pump + back flow valve

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!


8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)
City vehicle: 00-R 11713 _____
(City Driver's Name) (Department/Bureau)

9. Witness: _____
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

Wm. F. Applegarth
(Print Claimant's Name)
3085 W. Andrews Dr NW
Atlanta, Ga (Address) 30308

RCS# 2356
11/06/00
2:45 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty
B Starnes
Y Bond
Y Winslow

Y Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
Y Emmons
Y Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-R-1422
00-R-1666

CONSENT

		11/06/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1577 2. 00-O-1586 3. 00-O-1615 4. 00-O-1661 5. 00-O-1663 6. 00-O-1670 7. 00-R-1578 8. 00-R-1685 9. 00-R-1780 10. 00-R-1659 11. 00-R-1688 12. 00-R-1689 13. 00-R-1704 14. 00-R-1722 15. 00-R-1723 16. 00-R-1708 17. 00-R-1774 18. 00-R-1709 19. 00-R-1710 20. 00-R-1711 21. 00-R-1712 22. 00-R-1713 23. 00-R-1714 24. 00-R-1715 25. 00-R-1717 26. 00-R-1718 27. 00-R-1719 28. 00-R-1720 29. 00-R-1721	30. 00-R-1716 31. 00-R-1724 32. 00-R-1725 33. 00-R-1727 34. 00-R-1728 35. 00-R-1729 36. 00-R-1730 37. 00-R-1731 38. 00-R-1732 39. 00-R-1733 40. 00-R-1734 41. 00-R-1735 42. 00-R-1736 43. 00-R-1737 44. 00-R-1738 45. 00-R-1739 46. 00-R-1740 47. 00-R-1741 48. 00-R-1742 49. 00-R-1743 50. 00-R-1744 51. 00-R-1745 52. 00-R-1746 53. 00-R-1747 54. 00-R-1748 55. 00-R-1749 56. 00-R-1750 57. 00-R-1751 58. 00-R-1752	59. 00-R-1753 60. 00-R-1754 61. 00-R-1755 62. 00-R-1756 63. 00-R-1757 64. 00-R-1758 65. 00-R-1759 66. 00-R-1760 67. 00-R-1761 68. 00-R-1762 69. 00-R-1763 70. 00-R-1764 71. 00-R-1765 72. 00-R-1766 73. 00-R-1767 74. 00-R-1768 75. 00-R-1769 76. 00-R-1770 77. 00-R-1771 78. 00-R-1772 79. 00-R-1773